IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

OP.No. 4644 of 2000(C)

PETITIONER:

SASIDHARAN ACHARI,
S/O.BHASKARAN ACHARI,
PALLIKKAL HOUSE,
KOTTARAKKARA.

BY ADV. SRI.BABU PAUL

RESPONDENTS:
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1. STATE OF KERALA REP. BY
THE SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE DEPUTY TAHSILDAR(RR),
TALUK OFFICE, KOTTARAKKARA.

ADDL. RESPONDENTS:

3. THE UNITED INDIA INSURANCE COMPANY,
KOTTARAKKARA REP. BY ITS MANAGER.

4. N.KUTTAN PILLAI, EASWARA NILAYAM,
PALLICKAL MYLAM PANCHAYAT, KOTTARAKKARA.

(ADDL. RESPONDENTS 3 AND 4 ARE IMPLEADED AS PER ORDER DT.NIL IN CMP. NO.7798/2000.)

R1&2 BY GOVERNMENT PLEADER SRI.V.TEKCHAND

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.7744/2000 IN O.P. NO.4644/2000

DISMISSED:

12.11.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF NOTICE.

P2: TRUE COPY OF SALE AGREEMENT.

P3: TRUE COPY OF I.A. NO.733/99.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.4644 of 2000

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Dated this the 12th day of November, 2007.

JUDGMENT

Challenge is against recovery proceedings for recovery of compensation awarded against the petitioner as registered owner of the vehicle by MACT. The Insurance Company disowned liability and MACT upheld it authorising recovery against the petitioner after remittance by the Insurance Company. The award is not under challenge in this proceeding. However, counsel submitted that petitioner would have obtained copy of the order and challenged the award in appeal. If the award is challenged elsewhere, petitioner is entitled to benefit of order in appeal. However, so long as the award stands, recovery can be continued against the petitioner. However, since this court had granted stay against recovery, I feel interest can be waived provided petitioner makes payment of the amount exclusive of interest before 31.12.2007. If payment is not made as above, recovery of the arrears with interest can be effected after 31.12.2007.

The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms